

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN**

THE ESTATE OF ASHLEY DIPIAZZA,

Plaintiff,

Case No: 3:16-cv-00060-wmc

v.

JUSTIN BAILEY, GARY PIHLAJA,
and CAREY LEEREK, In their Individual Capacities,

Defendants.

STIPULATION FOR DISMISSAL

WHEREAS, the Estate of Ashley DiPiazza, by its personal representative Joseph DiPiazza (“the Estate”), commenced suit against Justin Bailey, Gary Pihlaja, Carey Leerek (“the Officers”), and the City of Madison as the Officers’ employer, alleging that the Officers violated Ashley DiPiazza’s constitutional rights on May 18, 2014, as alleged with more particularity in the First Amended Complaint (Dkt. #10); and

WHEREAS, Judgment was entered on July 17, 2017 (Dkt. #253), in favor of the Estate and against Justin Bailey and Gary Pihlaja in the amount of \$4,000,000 as compensatory damages; against Justin Bailey in the amount of \$1,500,000 as punitive damages; against Gary Pihlaja in the amount of \$1,500,000 as punitive damages; against Justin Bailey and Gary Pihlaja in the amount of \$9,740.73 in funeral expenses; and in favor of Carey Leerek and against the Estate finding no liability; and

WHEREAS, defendants Bailey and Pihlaja filed a motion for judgment as a matter of law and for a new trial (Dkt. #265) on August 14, 2017, seeking to set aside the judgment; and

WHEREAS, the court has not yet issued its decision on the defendants' post-verdict motions; and

WHEREAS, the Estate claims entitlement to recover attorney fees and costs in the amount of \$1,075,453.95 through September 21, 2017, against defendants Bailey and Pihlaja; and

WHEREAS, the Officers make no admission of liability for the claims against them and deny that a basis exists to support the judgment, but are desirous of settling the claims for the sole purpose of avoiding the substantial expense and inconvenience of further litigation, including appeals; and

WHEREAS, the Estate has agreed to accept as full settlement of all claims asserted in this lawsuit including attorney fees and costs the sum of Four Million Two Hundred Fifty Thousand Dollars (\$4,250,000); and

WHEREAS, the parties agree that no portion of the settlement proceeds has been offered, paid over or received as punitive damages;

WHEREAS, the parties agree that the settlement proceeds are being offered, paid over, and received solely as (a) compensation for physical injury suffered by Ashley DiPiazza, and (b) attorneys' fees pursuant to 42 USC Sec. 1988;

NOW, THEREFORE, IT IS HEREBY STIPULATED by and among the parties, by their respective counsel, that all claims may be dismissed with prejudice and without costs and that an Order may be entered based on this stipulation.

Dated: May 31, 2019

THE JEFF SCOTT OLSON LAW FIRM, S.C.
By

/s/Jeff Scott Olson

Jeff Scott Olson, #1016284

Andrea J. Farrell, # 1064773
Attorneys for Plaintiff

Dated: May 31, 2019

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By

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